

**DURHAM, NORTH CAROLINA  
MONDAY, SEPTEMBER 16, 2002  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: Assistant City Manager Ted Voorhees, City Attorney Henry Blinder, Deputy City Clerk Linda Bratcher and Records Management Coordinator Tonette Amos.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

The Mayor read a proclamation designating the week of September 23, 2002 as Race Equality Day and asked for priority items from the City Manager, City Attorney and City Clerk.

Assistant City Manager Ted Voorhees announced that the Walk to Cure Diabetes is scheduled for Saturday, September 21, 2002. Also, he requested that an item be added to the agenda regarding a grant award from the Department of Transportation/Bureau of Alcohol, Tobacco and Firearms to be used for Police Department's Gang Education and Resistance Training initiative.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to add an item [Grant Award] to the agenda was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

There were no priority items from the City Attorney.

Deputy City Clerk Bratcher informed Council that a valid protest petition was filed against GBA # 33--Rezoning – Cohen Office (P02-11).

Mayor Bell encouraged Council to attend a meeting at the General Assembly on Wednesday or Thursday to advocate for an authority for an earlier local option sales tax and asked that a letter be sent to the local delegation supporting HB 1490 – Secure Local Revenues [Discussion regarding letter was held later in the meeting].

Also, he briefed Council on the action taken by the Mayors of Raleigh, Chapel Hill, Cary and Durham at their monthly meeting concerning the public transportation system.

Council Member Clement requested that an item be added to the agenda to direct the City Clerk to draft a resolution memorializing Cardoza McCollum, Sr. (Mac).

**MOTION** by Council Member Clement seconded by Council Member Stith to add an item [Resolution Memorializing Cardoza McCollum, Sr. (Mac)] to the agenda was

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approved at 7:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Council Member Cole-McFadden requested that an item be added to the agenda concerning the recommendation made by the Northern Durham Parkway and Northwest /Northeast Loop Ad Hoc Committee - Eno Drive.

**MOTION** by Council Member Cole-McFadden seconded by Council Member Clement to add an item [Northern Durham Parkway] to the agenda was approved at 7:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Council Member Best raised a concern about an article in the News & Observer concerning perks for department heads and requested the administration to bring back an update to Council.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Items #17 [Capitol Link, Inc.], 18 [Adoption of the Fiscal Year 2001-2002 Consolidated Annual Performance and Evaluation Report (CAPER)] and 20 [Annual Audit Plan] were pulled from the Consent Agenda.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

## **[CONSENT AGENDA]**

### **SUBJECT: APPROVAL OF CITY COUNCIL MINUTES – CITY CLERK’S OFFICE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the City Council minutes for the following meetings was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

August 7, 2002 - Special Meeting  
August 8, 2002 – Special Meeting  
August 19, 2002 – Regular Meeting

### **SUBJECT: DESIGNATION OF VOTING DELEGATES – NORTH CAROLINA LEAGUE OF MUNICIPALITIES ANNUAL CONFERENCE, OCTOBER 20-21, 2002, DURHAM NORTH CAROLINA**

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**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Mayor William V. "Bill" Bell, voting delegate, and Council Member Cora Cole-McFadden as the alternate voting delegate to attend the North Carolina League of Municipalities Annual Business Meeting on Monday, October 21, 2002 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: DESIGNATION OF VOTING DELEGATES – ANNUAL CONGRESS OF CITIES, DECEMBER 3-7, 2002 - SALT LAKE CITY, UTAH**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Mayor William V. "Bill" Bell as the voting delegate to attend the National League of Cities' Annual Business Meeting on Saturday, December 3-7, 2002 in Salt Lake City, Utah was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM BICYCLE & PEDESTRIAN ADVISORY COMMISSION – RECEIPT AND ACCEPTANCE OF APPLICATIONS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizens to fill two (2) vacancies. The terms will expire July 31, 2005 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION – RECEIPT AND ACCEPTANCE OF APPLICATIONS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizen to fill one (1) vacancy. The term will expire April 1, 2005 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: ENVIRONMENTAL AFFAIRS BOARD – RECEIPT AND ACCEPTANCE OF APPLICATIONS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for a member representing Biological Sciences. The term will expire June 1, 2005 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell,

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Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JULY 1, 2002 - FOUSHEE PROPERTY (RIVERMIST) & TRIANGLE PRESBYTERIAN CHURCH.**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report from the Administration on voluntary annexation petitions; and

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-58 and 160A-31; and

To adopt resolutions establishing public hearings for October 7, 2002 on the following submitted voluntary petition annexations: Foushee Property (Rivermist) & Triangle Presbyterian Church was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: BIDS/PIGGYBACK AERIAL BUCKET TRUCK - ALTEC INDUSTRIES, INC.**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with Altec Industries, Inc., in the amount of \$111,994 for providing the City with Aerial Bucket Truck; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: BID REPORT – JULY 2002**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve and record in the minutes the following bids and items displayed which were acted upon by the City Manager during the month of July 2002 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**CITY OF DURHAM NORTH CAROLINA**

August 20, 2002

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MEMO TO: Marcia L. Conner, City Manager

THROUGH: Kenneth C. Pennoyer, Acting Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of July 2002.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

**1. Bid: Estimated A/R for Sodium Hypochlorite**

Purpose of Bid: To provide the Environmental Resources with a twelve (12) months firm price for sodium hypochlorite.

Comments: This chemical is used in the drinking water treatment process.

Opened: July 5, 2002

Bidders:	JCI Jones Chemicals	*\$80,000.00
	Charlotte, NC	
	Brenntag Southeast	\$84,311.11
	Durham, NC	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	306		# Black Males	45	15%
Total # Females	55	18%	# White Males	173	56%
Total # Males	251	82%	# Other Males	33	11%
			# Black Females	6	2%
			# White Females	43	14%
			# Other Females	6	2%

LOCATION OF PERFORMING CONTRACT  
Charlotte, NC

Total Workforce	22		# Black Males	5	59%
Total # Females	4	18%	# White Males	13	23%
Total # Males	18	82%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	4	18%
			# Other Females	0	0%

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Performance Bond:      \_\_\_\_\_ Waived      X Not Waived      \_\_\_\_\_ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**2.      Bid:              Chiller Repairs at the Durham Arts Council Building**

Purpose of Bid:              To repair the failing chiller at the Durham Arts Council Building

Comments:

Opened:              July 12, 2002

Bidders:	Piedmont Air Conditioning, Inc.	*\$14,275.00
	Raleigh, NC	
	Commercial Mechanical Systems, Inc.	\$14,300.00
	Raleigh, NC	
	Brady Services	\$17,674.00
	Greensboro, NC	

\*Awarded based on: X Low Bid      \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	139		# Black Males	10	8%
Total # Females	20	15%	# White Males	107	75%
Total # Males	119	85%	# Other Males	2	2%
			# Black Females	1	1%
			# White Females	19	14%
			# Other Females	0	0%

Performance Bond:      \_\_\_\_\_ Waived      \_\_\_\_\_ Not Waived      X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**3.      Bid:      One (1) Used Sport Utility Vehicle**

Purpose of Bid:              To purchase a used sport utility vehicle for the Organized Crime Division of the Police Department.

Comments:

Opened:              July 17, 2002

Bidders:	University Ford	*\$17,001.00
	Durham, NC	

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Carmax  
Raleigh, NC

\$17,598.00

\*Awarded based on: ☒ Low Bid      \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	230		# Black Males	28	12%
Total # Females	35	15%	# White Males	165	71%
Total # Males	195	85%	# Other Males	2	1%
			# Black Females	5	2%
			# White Females	29	13%
			# Other Females	1	1%

Performance Bond:      \_\_\_\_\_ Waived      \_\_\_\_\_ Not Waived      ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

**SUBJECT:    AUTHORIZED SIGNATURES FOR DEPOSITORIES**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution designating signatures of individuals to be honored by depositories of the City of Durham was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution #8905**

**SUBJECT:    BIDS - SCRAP TIRE DISPOSAL/RECYCLING SERVICE -  
CENTRAL CAROLINA HOLDINGS, LLC**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from Central Carolina Holdings, LLC, in the estimated amount of \$672,675 for providing the City with Scrap Tire Disposal/Recycling Service; and

To authorize the City Manager to enter into a contract with Central Carolina Holdings, LLC, in the estimated amount of \$672,675 for providing the City with Scrap Tire Disposal/Recycling Service; and

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To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: BIDS/PIGGYBACK – REGENERATIVE AIR STREET SWEEPER - TWIN STATES EQUIPMENT COMPANY, INC.**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with Twin States Equipment Company, Inc., in the amount of \$93,635 for providing the City with a Regenerative Air Street Sweeper; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: ON-STREET PARKING ORDINANCES - GILLETTE AVENUE - FULLER STREET – LANCASTER STREET – ALFRED STREET – PRATT STREET**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to repeal ordinance #5246, adopted August 20, 1979, prohibiting parking on the south side of the 1000 block of Gillette Avenue in the area beginning at the west curb line of Murphy Street, if extended, and extending for a distance of 125 feet westwardly to the end of maintenance; and

To adopt an ordinance to prohibit parking; and

- a.) on the east side of Fuller Street beginning at the north curb line of Fernway Avenue, if extended, and extending for a distance of 50 feet northwardly;
- b.) on the east side of Fuller Street beginning at the south curb line of W. Corporation Street, if extended, and extending for a distance of 50 feet southwardly;
- c.) on the south side of Gillette Avenue in the area beginning at the west curb line of Murphy Street, if extended, and extending to the south curb line of Colfax Street;
- d.) on the east side of Lancaster Street in the area beginning at the north curb line of W. Markham Avenue, if extended, and extending for a distance of 40 feet northwardly;
- e.) on the east and west side of Alfred Street in the area beginning at the south curb line of Riddle Road, if extended, and extending for a distance of 78 feet southwardly; and
- f.) on the south and north sides of Pratt Street in the area beginning at the



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east curb line of Douglas Street, if extended, and extending east to the end of city maintenance

To adopt an ordinance to establish two-hour parking: on the east side of Fuller Street in the area beginning at a point 50 feet north of the north curb line of Fernway Avenue, if extended, and extending for a distance of 630 feet northwardly was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12656 – 12657 - 12658**

**SUBJECT: STOP SIGNS –STENNIS WAY – KITTY HAWK COURT – ORISKONY WAY – INTREPID COURT – TAYLOR RIDGE DRIVE (PRIVATE) – GLASSON STREET – TURMERIC LANE – CILANTRO COURT – CORIANDER COURT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a “Stop Sign Ordinance” to authorize the installation of stop signs at the following locations was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- (a) Stennis Way at Gibson Road, southeast corner (Lynn Hollow Subdivision);
- (b) Kitty Hawk Court at Stennis Way, southwest corner (Lynn Hollow Subdivision);
- (c) Stennis Way at Forrestal Drive, northwest corner (Lynn Hollow Subdivision);
- (d) Oriskony Way at Forrestal Drive, east and west corners (Lynn Hollow Subdivision);
- (e) Intrepid Court at Oriskony Way, north corner (Lynn Hollow Subdivision);
- (f) Taylor Ridge Drive (Private) at Ellis Road, east corner (Taylor Estates);
- (g) Glasson Street at Mordecai Street, southwest corner;
- (h) Turmeric Lane at Fayetteville Road, southwest corner (Green Gardens);
- (i) Cilantro Court at Turmeric Lane, southeast corner (Green Gardens); and
- (j) Coriander Court at Turmeric Lane, northwest corner (Green Gardens)

**Ordinance #12659**

**SUBJECT: SCHOOL ZONE - GARRETT ROAD/CRESSET CHRISTIAN ACADEMY – TWENTY-FIVE MILE PER HOUR SPEED LIMIT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance establishing a 25 mile per hour speed limit during the hours of 7:30 to 8:30 a.m. and 2:30 to 3:30 p.m. on school days on Garrett Road in the area beginning at the south curb line of Pickett Road, if extended, and extending southwardly to the south curb line of Cottonwood Drive was approved at 7:20 p.m. by the following vote: Ayes:

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Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12660**

**SUBJECT: SPEED LIMIT REDUCTION - TURMERIC LANE - COLFAX STREET - FAIRFAX ROAD - GREENBRIAR ROAD - ESSEX ROAD - WELLINGHAM DRIVE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) On Turmeric Lane, from Fayetteville Road to the end of city maintenance,
- b) On Colfax Street, from Massey Avenue north to the end of city maintenance,
- c) On Fairfax Road, from Robinhood Road to Greenbriar Road,
- d) On Greenbriar Road, from Miami Boulevard to Robinhood Road,
- e) On Essex Road, from Cheek Road to Geer Street, and
- f) On Wellingham Drive, from Scotney Circle to the end of city maintenance.

**Ordinance #12661**

**SUBJECT: NCDOT MUNICIPAL AGREEMENT (PROJECT R-2906C) FOR IMPROVEMENTS TO NC 55 AND MARTIN LUTHER KING, JR. PARKWAY**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt "An Ordinance Amending General Capital Improvement Project Ordinance, As Amended, The Same Being Ordinance #12587" to record an increase of \$540,000 in additional funding from the street impact fee fund; and

To adopt a resolution authorizing the City Manager to enter into a municipal agreement with the N. C. Department of Transportation for the NC 55 widening project, including portions of the Martin Luther King, Jr. Parkway; and

To find that the NC 55 widening project is 100% necessitated by new development; and

To authorize the expenditure of an estimated \$540,000 from the City's Federal and State match capital project fund for the City's non-federal match of the project cost was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12662**

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**Resolution #8906**

**SUBJECT: CONSOLIDATED BUS PURCHASE BID AWARD - GILLIG CORPORATION - ORION BUS INDUSTRIES, INC. - ELDORADO NATIONAL**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to award bus bids to the Gillig Corporation for the purchase of 40' and 35' low floor heavy duty buses, to Orion Bus Industries, Inc. for the purchase of 30' low floor heavy duty buses, and to Eldorado National for the purchase of 30' low floor medium duty buses was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: CABLE ADVISORY BOARD COMMITTEE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive information on the status of the Cable Advisory Board was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: MANAGED COMPETITION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report on Managed Competition from the Managed Competition Citizen's Committee was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: FULL FRAME DOCUMENTARY FILM FESTIVAL - CITY OF DURHAM - COUNTY OF DURHAM**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute an interlocal agreement between the City of Durham and the County of Durham regarding the lease of space for the Full Frame Documentary Film Festival was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**[ITEMS PULLED FROM CONSENT AGENDA]**

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**SUBJECT: ADOPTION OF THE FISCAL YEAR 2001-2002 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)**

Council Member Edwards raised questions that were answered by staff regarding the status of the Housing Impact Policy Committee and requested quarterly reports from the Citizens Advisory Committee.

Council Member Best made comments on the use of federal funds.

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt the Fiscal Year 2001-2002 Consolidated Annual Performance and Evaluation Report (CAPER) for submission to the Department of Housing and Urban Development (HUD) prior to the September 28, 2002 deadline was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: CAPITOL LINK, INC. CONTRACT - LEGISLATIVE REPRESENTATION AND GRANT WRITING**

Council Member Cole-McFadden raised questions that were answered by staff relative to the contract.

**MOTION** by Council Member Clement seconded by Council Member Stith to authorize the City Manager to enter into a contract for Capitol Link, Inc. from June 30, 2002 to June 30, 2003 for legislative representation and grant writing was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: ANNUAL AUDIT PLAN**

Mayor Pro Tempore Cheek urged the administration to take a close look at making sure that every area gets audited at some point.

Council held discussion on audits and contract compliance.

Relative to the issue of compliance in other departments, i.e. Housing, Police, etc., Assistant City Manager Voorhees noted the administration will bring back information on how options could tie into the Audit Committee.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt the City of Durham, Audit Services Department's 2002-2003 Annual Audit Plan was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**[ITEM ADDED TO AGENDA]**

**SUBJECT: HOUSE BILL 1490 – SECURE LOCAL REVENUES**

Mayor Bell made comments regarding HB-1490.

**MOTION** by Council Member Clement seconded by Council Member Stith to authorize the Mayor to send a letter to the local delegation in support of HB 1490 – Secure Local Revenues was approved at 7:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Council Member Clement congratulated the Durham Bulls for winning the Governor's Championship.

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: RESIDENCY REQUIREMENTS FOR EMPLOYMENT - CITY OF DURHAM – EXECUTIVE EMPLOYEES**

To adopt a resolution regarding residency requirements for employment with the City of Durham.

Human Resources Director Alethea Bell gave a report on the residency requirements for executive employees with the City of Durham.

City Attorney Blinder briefed Council on the legal ramifications concerning this item.

Council Member Edwards requested that staff add a grandfather provision for existing employees who may be promoted at a later date to an executive level position.

Lavonia Allison spoke in support of staff's recommendation.

Council held discussion on proposed policy and grandfather clause.

For clarification, Assistant City Manager Voorhees noted the proposed policy only grandfathered existing executive level employees who live outside of the city limits.

A motion was made by Council Member Edwards seconded by Council Member Stith to amend the Residency Requirements Policy to grandfather all existing employees.

A substitute motion was made by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to adopt the policy as written.

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Mayor Bell noted the City Attorney advised that the resolution be included as part of the motion.

**SUBSTITUTE MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to adopt a resolution regarding residency requirements for employment with the City of Durham and to adopt the policy as written **FAILED** at 8:12 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Clement and Cole-McFadden. Noes: Mayor Bell and Council Members Best, Edwards and Stith. Absent: None.

**MOTION** by Council Member Edwards seconded by Council Member Stith to adopt a resolution regarding residency requirements for employment with the City of Durham and to amend the Residency Requirements Policy to grandfather all existing employees who are employed now was approved at 8:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Edwards and Stith. Noes: Council Members Best, Clement and Cole-McFadden. Absent: None.

**Resolution #8907**

**SUBJECT: AUDIT REQUIREMENTS FOR NON-CITY AGENCIES**

To authorize the City Manager to enter into and amend existing, non-city agency contract to make them consistent with the guidelines in the agenda memorandum.

Budget Director Julie Brenman gave an overview of the proposal for auditing non-city agencies. She noted that all agencies receiving \$30,000 or more would be required to submit an annual audit to the City and agencies receiving less than \$30,000 would be required to submit a sworn statement. Also, she made comments about the random program audits and schedule of when audits/sworn statements would be submitted.

Council Member Clement asked the administration what do they propose to do in response to the request by letter from NECD requesting the City to release enough funds to pay the rent before the owner changes the locks on the doors.

Assistant City Manager Sharon Laisure noted the administration is in support of allowing NECD to have the first 90 days of their money for this fiscal year. Also, she informed Council that the money is in a contingency fund and would take Council approval.

Council held discussion on money tendered to NECD out of last year's budget.

Council Member Cole-McFadden noted she received calls from the residents of NECD expressing concern about the expenditures.

Audit Services Director Wanda Page updated Council on the status of the audit for NECD Reinvestment, Inc.

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Council held discussion on the completion date of audit and letter from NECD.

Herman Davenport spoke in support of keeping the center open noting that NECD is trying to save the lives of the children and reduce crime. He urged the City Council to do the right thing by giving them the necessary help that they need.

Council held discussion on the number of children being served.

Jackie Wagstaff urged Council to release some of the funds to maintain the building.

Council held discussion on what period would the audit cover, audit/reporting requirements for non-city agencies and oversight.

Council Member Cole-McFadden expressed reservations and noted she would be voting against the request.

Mayor Pro Tempore Cheek asked the administration to bring back a report on what is going on and has been going on with NECD.

Audit Services Manager Wanda Page indicated that she expects to receive the audit report on NECD from the external firm by October 31, 2002.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to direct the administration to issue a check to the lessor of the building in the amount necessary to bring the rent current for North East Central Durham (NECD) Reinvestment, Inc. was approved at 9:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Edwards and Stith. Noes: Council Member Cole-McFadden. Absent: None.

Budget Director Julie Brenman outlined staff's recommendation concerning non-city agencies submitting annual audits/sworn statements depending upon amount of contract.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into and amend existing, non-city agency contracts to make them consistent with the guidelines in the agenda memorandum was approved at 9:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: TOWING COMMITTEE**

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt a resolution setting city regulated towing fees for police-initiated calls was approved at 9:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**Resolution #8908**

**SUBJECT: DURHAM YOUTH COMMISSION**

Tim Grant, Acting Parks & Recreation Director, briefed Council on this item.

DeWarren Langley provided Council with a report and noted the Youth Commission would advise the Durham City Council, County Commissioners and School Board on issues related to youth.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution endorsing an act to create and maintain a Youth Commission in the City of Durham was approved at 9:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution #8909**

**[PUBLIC HEARINGS]**

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - SEWER MAIN ON  
LEAH LANE - WOODALL - DUNCAN-BROWN**

Due to objections, Lee Murphy of the Public Works Department requested that the properties of Dewitt C. Woodall, Jr. and Margaret E. Duncan-Brown & Patrick T. Brown be referred to the October 10, 2002 Work Session for further consideration and that the public hearing on these properties be continued without further advertising.

Mayor Bell opened the public hearing.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to adopt a resolution confirming the assessment roll for Sewer Main on Leah Lane - From North Property Line of Tax Map 773-3-1 to Marywood Drive and Marywood Drive - From Leah Lane to North Property Line of Tax Map 773-5-9; and

To refer the properties of Dewitt C. Woodall, Jr. and Margaret E. Duncan-Brown & Patrick T. Brown to the October 10, 2002 Work Session for further consideration and to continue the public hearing on the Woodall and Duncan-Brown properties without further advertising was approved at 9:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - SEWER MAIN ON  
MARYWOOD DRIVE – PRATT - HALLENBORG**



**September 16, 2002**

Due to objections, Lee Murphy of the Public Works Department requested that the properties of Vernon G. & Deborah G. Pratt and John A. & Jan S. Hallenborg be referred to the October 10, 2002 Work Session for further consideration and that the public hearing on these properties be continued without further advertising.

Mayor Bell opened the public hearing.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to adopt a resolution confirming the assessment roll for Sewer Main on Marywood Drive - From North Property Line of Tax Map 773-5-9 to Park Place and Park Place - From Marywood Drive to End of Cul-de-sac; and

To refer the properties of Vernon G. & Deborah G. Pratt and John A. & Jan S. Hallenborg to the October 10, 2002 Work Session for further consideration and to continue the public hearing on the Pratt and Hallenborg properties without further advertising was approved at 9:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - SEWER MAIN ON MARYWOOD DRIVE - SHULWITZ AND TOWERCOMM, INC.**

Due to objections, Lee Murphy of the Public Works Department requested that the properties of Gregory K. & Martha S. Shulwitz and TowerComm, Inc. be referred to the October 10, 2002 Work Session for further consideration and that the public hearing on these properties be continued without further advertising.

Mayor Pro Tempore Cheek disclosed that he represents TowerComm, Inc. but has no financial interest in this matter.

Mayor Bell opened the public hearing.

**MOTION** by Council Member Clement seconded by Council Member Cole-McFadden to adopt a resolution confirming the assessment roll for Sewer Main on Marywood Drive - From Leah Lane to Rose of Sharon Road and Rose of Sharon Road - From Marywood Drive South to South Property Line of Tax Map 773-1-7; and

To refer the properties of Gregory K. & Martha S. Shulwitz and TowerComm, Inc. to the October 10, 2002 Work Session for further consideration and to continue the public hearing on the Shulwitz and TowerComm, Inc. properties without further advertising was approved at 9:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**September 16, 2002**

**SUBJECT: ORDERING IMPROVEMENT – ENABLING ACT - CURB, GUTTER AND PAVING, WATER MAIN, WATER AND SEWER LATERALS ON CHALK LEVEL ROAD**

Lee Murphy, of the Public Works Department, briefed Council on this item noting that earlier this summer Council approved paving a portion of Chalk Level Road and the administration was directed to come back with information on paving the entire road.

Mayor Bell opened the public hearing.

Sandra Clark, of 1116 Chalk Level Road, spoke in support of paving the entire road.

Mayor Bell declared the public hearing closed.

**MOTION** by Council Member Stith seconded by Council Member Clement to adopt a resolution ordering Curb, Gutter and Paving, Water Main, Water and Sewer Laterals on Chalk Level Road - From Shaftsbury Street West to Stadium Drive was approved at 9:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: ORDERING PETITIONED IMPROVEMENTS - WATER MAIN ON GRANADA DRIVE**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Clement seconded by Council Member Edwards to adopt a resolution ordering a Water Main on Granada Drive - From Pleasant Drive South to Shiloh Drive and Shiloh Drive - From Granada Drive East to the East Property Line of Tax Map 591-2-8 was approved at 9:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: PLAN AMENDMENT – FAYETTEVILLE ROAD AND MASSEY CHAPEL ROAD (A02-08) – NC 54 & I-40 CORRIDOR FUTURE LAND USE PLAN**

To hold a public hearing and receive public comments on amending the NC 54 & I-40 Corridor Future Land Use Plan.

Planning Department Recommendation: Approval  
Planning Commission Recommendation: Denial (10-1)

**September 16, 2002**

T. E. Austin, of the City/County Planning Department, gave an overview of the plan amendment. He noted staff's recommendation is for approval and the Planning Commission's recommendation is for denial based on traffic issues.

Council held discussion on the current traffic pattern.

Mayor Bell opened the public hearing.

Helen Ellison, of 7610 Massey Chapel Road, asked the Council to save the neighborhood from commercial destruction and to vote for medium low density.

Nancy Herndon, of 7110 Massey Chapel Road, urged Council to give Ellison Heights the respect they deserve and protect the type of community that is good for Durham by designating the area medium low density.

Adrian Cherry, of 304 Whitmore Lane, outlined reasons why Ms. Rosa Tucker's land should be designated as general commercial.

Lavonia Allison, representing DCABP, urged Council to designate Ms. Tucker's property [13 acres] as general commercial.

Mayor Bell declared the public hearing closed.

Several Council Members spoke in support of staff's recommendation.

T. E. Austin reminded Council that they should include adopting the resolution as part of the motion that is a part of the backup material.

Council held discussion on the plan amendment and small area plan.

**MOTION** by Council Member Clement seconded by Council Member Stith to re-designate 13-acres as commercial [Ms. Tucker's property] **FAILED** at 9:47 p.m. by the following vote: Ayes: Council Members Best, Clement and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Cole-McFadden and Edwards. Absent: None.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to hold a public hearing and receive public comments on amending the NC 54 & I-40 Corridor Future Land Use Plan; and

To adopt a Resolution Amending NC54/I-40 Corridor Study was approved at 9:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Cole-McFadden and Edwards. Noes: Council Members Best, Clement and Stith. Absent: None.

**Resolution #8910**

**September 16, 2002**

**SUBJECT: REZONING MATTER CASE P02-11 – DR. RHONDA COHEN - AT  
THE NORTHWEST CORNER OF THE INTERSECTION OF  
ROXBORO STREET AND CARVER STREET**

To receive public comment on rezoning P02-11; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-11 out of R-5 and placing same in and establishing same as OI-2(D); F/J-B.

Zoning Committee Recommendation and Vote: Approval - (7-0)

Planning Department Recommendation: Approval

Note: Valid protest petition filed against this rezoning case.

Sheila Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report commenting on the addition of 18 parking spaces, traffic, proposed 20' landscaped strip with evergreen and other plantings along Turrentine Avenue along with conceptual elements. Also, she noted proposal is consistent with West/Northwest Plan and staff's recommendation is for approval.

Mayor Bell opened the public hearing.

**Proponents**

Donnie Clark, representing the applicant, spoke in support of rezoning request commenting on the proposal for additional on-site parking due to safety concerns, proposed 20' buffer and 8' fence along Turrentine.

Vivian Patterson, of 409 E. Lawson Street, urged Council to give Dr. Cohen's request favorable consideration.

Lonnie Torain, of 504 Walton Street, spoke in support of request noting the elderly cannot walk as good as the young people.

Trudy Baker, of 3 Siena Street, spoke in support of proposal urging Council to vote yes due to safety concerns.

Dennis Raczkowski, of 3609 Stoney Brook Drive, spoke in support of this endeavor urging Council to consider the rezoning application.

Rob Marks, of 112 Twisted Oak Place, spoke in support of rezoning commenting on the need for additional parking spaces that will help the customers.

Mark Kuhn, of 2821 Wade Road, spoke in support of this item noting there is a safety hazard issue.

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**Opponents**

Sam Gantt, Jr., of 200 W. Carver Street, spoke in opposition to this rezoning request noting it is not consistent land use for Carver Street and expressed concern about the buffer and contract issues.

Sylvia Anderson, of 202 W. Carver Street, spoke in opposition to this rezoning request citing parking and trash concerns.

**Proponent**

Sandra Alston, of 1318 Tralea Drive, spoke in support of this request urging Council to enlarge parking lot due to the increase in the number of patients.

Mayor Bell declared the public hearing closed.

**MOTION** by Council Member Best seconded by Council Member Edwards to extend the meeting beyond 10:00 p.m. was approved at 10:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Council held discussion on the proposed uses.

**MOTION** by Council Member Stith seconded by Council Member Clement to receive public comment on rezoning P02-11; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-11 out of R-5 and placing same in and establishing same as OI-2(D); F/J-B was approved at 10:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING MATTER CASE P02-27 – SOCIAL SECURITY - JDL CASTLE CORPORATION - SOUTHSIDE OF PICKETT ROAD BETWEEN TOWER BOULEVARD AND PETTY ROAD**

To receive public comment on rezoning P02-27.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-27 out of OI-2(D) and placing same in and establishing same as OI-2(D) Change in Development Plan.

Zoning Committee Recommendation and Vote: Approval - (7-0)

Planning Department Recommendation: Approval

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Sheila Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report.

Mayor Bell opened the public hearing.

**Proponent**

The developer, representing the applicant [JDL Castle Corporation], made comments in support of rezoning.

No one spoke in opposition to rezoning request.

Mayor Bell declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to receive public comment on rezoning P02-27; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-27 out of OI-2(D) and placing same in and establishing same as OI-2(D) Change in Development Plan was approved at 10:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING MATTER CASE P02-32 – LAWYER’S TITLE INSURANCE CORPORATION - WEST SIDE OF TOWER BOULEVARD SOUTH OF PICKETT ROAD**

To receive public comment on rezoning P02-32.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-32 out of R-10 and placing same in and establishing same as GC(D).

Zoning Committee Recommendation and Vote: Approval - (7-0)

Planning Department Recommendation: Approval

Sheila Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report commenting on the proposal noting the applicant has informed staff that they will be restricting use of the site as outlined on the plan. She noted staff recommends approval based on the conformance with adopted plan and compatibility with surrounding area.

Mayor Bell opened the public hearing.

**Proponent**

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Attorney Will Anderson, representing the applicant, spoke in support of the rezoning request commenting on the revision to the development plan and site restraints. He noted the development plan limits any building to a maximum of 8,000 square feet and 50' in height. Also, he stated the applicant has agreed to add a committed element to the development plan that eliminates more than half of permitted GC uses allowed in a GC zone. He urged Council to approve rezoning request.

No one spoke in opposition to rezoning request.

Mayor Pro Tempore Cheek asked the developer if the proposed permitted uses reflected on development plan are the uses to which this site is being restricted.

Attorney Will Anderson, representing the applicant, replied yes.

Mayor Bell declared the public hearing closed.

City/County Planning Director Frank Duke noted the list of uses would be included as a committed element in the plan.

**MOTION** by Council Member Stith seconded by Council Member Edwards to receive public comment on rezoning P02-32; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-32 out of R-10 and placing same in and establishing same as GC(D) was approved at 10:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING CASE P01-43 – WEST VILLAGE, LP – WEST VILLAGE BROWNSTONES – W. MAIN STREET**

To receive public comment on rezoning P01-43.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning case P01-43 out of I-2, DTA and placing same in and establishing same as CBD(D).

Sheila Stains-Ramp, of the City/County Planning Department, briefed Council on the staff report commenting on the proposed uses, committed and conceptual elements, Downtown Master plan. Also, she noted that staff and the Zoning Committee recommended approval.

Mayor Bell opened the public hearing.

**Proponent**

**September 16, 2002**

Attorney Kenneth Spaulding, representing the applicant, spoke in support of rezoning request noting proposal would consist of 87 townhomes with 50 units per acre and is consistent with Downtown Master and 2020 Comprehensive Land Use Plans. He noted there would be no public investments or incentives, commented on the development plan and urged Council's approval of this application.

Council Member Cole-McFadden asked staff about the issue of parking.

George Stanziale, of Haden Stanziale, noted the issue was discussed at the Zoning Committee meeting and parking would be provided in the garages behind these units. Also, he noted there would be some internal parallel parking, parallel parking on Main Street and Morgan Street but the predominate parking would be handled through the garages on the back of the units.

Frank Duke, City/County Planning Director, noted the garages have been identified as a conceptual element and asked Mr. Stanziale if the garages would be a committed element.

George Stanziale, of Haden Stanziale, replied yes.

Frank Duke, City/County Planning Director, noted that staff would be modifying the development plan to indicate garages as a committed element.

Mayor Bell declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to receive public comment on rezoning P01-43; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning case P01-43 out of I-2, DTA and placing same in and establishing same as CBD(D) was approved at 10:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: PAVING OF HUNT STREET**

Mayor Bell opened and declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Edwards to adopt "An Ordinance Amending General Capital Improvement Project Ordinance, As Amended, The Same Being Ordinance #12587," that increases revenues and appropriations in the Transportation Capital Projects section by \$300,000; and

To initiate a project to pave Hunt Street between Morris and Foster Streets was approved at 10:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and



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Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None.  
Absent: None.

**Ordinance #12663**

**SUBJECT: STREET CLOSING - RONEY STREET (SC01-3)**

To receive public comment on closing a 309 linear foot section of Roney Street between Hunt Street and Corporation Street.

To adopt an order to close Roney Street as identified.

Frank Duke, City/County Planning Director, indicated there is an easement that needs to be dealt with at the same time of this closure that was inadvertently separated as a result of the continuances of this item and requested that the public hearing on this item be continued for one cycle.

Mayor Bell opened the public hearing.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing on this item to the October 7, 2002 City Council Meeting was approved at 10:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: PLAN AMENDMENT - NORTH CAROLINA CENTRAL (A02-05)  
SOUTH CENTRAL DURHAM FUTURE LAND USE PLAN**

To hold a public hearing and receive public comment on amending the South Central Durham Future Land Use Plan.

To adopt a resolution amending the South Central Durham Future Land Use Plan.

Planning Department Recommendation: Approval

Planning Commission Recommendation: Approval (11-0)

Council Member Stith noted that he would be abstaining from voting on this item because of a potential conflict.

T. E. Austin, of the City/County Planning Department, briefed Council on the plan amendment making comments about the proposed uses, surrounding area, traffic count and noted this proposal will have no school impact.

Mayor Bell opened the public hearing.

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Burmadeane George, of 2108 Duncan Street, expressed that NCCU has not been forthright as a good neighbor and has not submitted a development plan. She requested that NCCU submit a comprehensive traffic plan that addresses the issues of safety at C C Spaulding Elementary School, city services, the elderly and noise.

Lavonia Allison, of P. O. Box 428, expressed concern about questions that have been raised and not answered and noted the institution definitely needs to move forward with the plans.

Rev. Herbert Eaton, of 126 Masondale Avenue, noted he is not opposed to the expansion but expressed concern about how it is expanding and the consequences it would have on the community. Also, he spoke in favor of keeping the zoning as residential medium density.

Truitt-Braswell (Bert), of 2006 Otis Street, noted all NCCU repairs should be done with the money they have now.

Attorney Kenneth Spaulding, representing NCCU Real Estate Foundation, informed Council that there will be a development plan and a traffic impact analysis for this project. Also, he commented on the land use plan designation small area plan amendment highlighting recommendations noted by staff, Planning Commission and the Durham Historic Preservation Commission and urged Council to support request.

John Compton, of Historic Preservation Society, spoke in support of plan amendment noting the Historic Preservation did approve this plan and their review was for only the properties on Fayetteville Street. Mr. Compton asked that consideration be given to those houses being moved because they are interested in saving these houses as well as other houses in the plan by moving them to other locations/vacant lots in the neighborhood that have been identified. Also, he read a statement approved by the Historic Preservation Society.

Mayor Bell declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to hold a public hearing and receive public comment on amending the South Central Durham Future Land Use Plan; and

To adopt a resolution amending the South Central Durham Future Land Use Plan was approved at 10:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: None. Abstention: Council Member Stith. Absent: None.

**Note: No backup material was provided for this item.**

**[ITEMS ADDED TO AGENDA]**

**September 16, 2002**

**SUBJECT: NORTHERN DURHAM PARKWAY AND NORTHWEST  
/NORTHEAST LOOP AD HOC COMMITTEE - ENO DRIVE**

Milo Pyne, of 806 Vickers Avenue, presented Council with an alternative that should be evaluated in preference to what the Ad Hoc Committee voted for. He noted he wants a solution that meets the transportation need in Northern Durham and the recommendation by the Ad Hoc Committee does not.

Caleb Southern submitted resolutions from organizations and civic groups stating that they oppose the NE/NW Loop Eno Drive and support the East End Connector and amending the Highway Trust Fund to pay for the East End Connector.

Anne Peele, of the Durham Chamber of Commerce, spoke in support of the Ad Hoc Committee's recommendation.

Mayor Bell made comments about the Ad Hoc Committee's recommendation noting the Transportation Advisory Committee (TAC) will make the real decision. The Mayor asked staff to include the proposal presented this evening for discussion at the next TAC meeting.

No action was taken by Council.

**SUBJECT: RESOLUTION MEMORIALIZING CARDOZA MCCOLLUM, SR.  
(MAC)**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to direct the City Clerk to prepare a resolution memorializing Cardoza McCollum, Sr. was approved at 11:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: GRANT AWARD FROM DEPARTMENT OF TREASURY  
/BUREAU OF ALCOHOL, TOBACCO AND FIREARMS – POLICE  
DEPARTMENT'S GANG EDUCATION AND RESISTANCE  
TRAINING INITIATIVE IN THE DURHAM PUBLIC SCHOOLS**

**MOTION** by Council Member Clement seconded by Council Member Stith to accept the \$10,000 grant award from the Department of the Treasury/Bureau of Alcohol, Tobacco and Firearms to be used for the Police Department's Gang Education and Resistance Training Initiative in the Durham Public School System; and

To adopt the "City of Durham, North Carolina and the Department of the Treasury/Bureau of Alcohol, Tobacco and Firearms to be used for the Police Department's Gang Education and Resistance Grant Project Ordinance was approved at 11:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and

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Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None.  
Absent: None.

**Ordinance #12664**

There being no further business to come before the City Council, the meeting was adjourned at 11:19 p.m.

Linda E. Bratcher  
Deputy City Clerk